

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

HOWARD D. LARKIN	:	
	:	
Plaintiff	:	CIVIL NO. 1:16-CV-00614
	:	
vs.	:	
	:	
WARDEN TERRY BROWNING,	:	(Judge Kane)
<u>et al.</u> ,	:	
	:	
Defendants	:	

ORDER

In accordance with the accompanying Memorandum, on this 25th day of October 2016, **IT IS HEREBY ORDERED THAT:**

1. Larkin's motion to proceed in forma pauperis (Doc. 2) is construed as a motion to proceed without full prepayment of the filing fee and **GRANTED**.

2. Larkin's complaint is **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) with leave to file an amended complaint, consistent with the background of this order, within thirty (30) days of the date hereof.¹

1. Larkin is advised that under Rule 11 of the Federal Rules of Civil Procedure by filing a complaint with the court he is certifying that to the best of his knowledge, information and belief, formed after reasonable investigation, the allegations set forth in the complaint are supported by evidence, and that the claims set forth in the complaint are warranted by existing law (or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law). Although the mere filing of a complaint can subject Larkin to Rule 11 sanctions, including an order to pay a penalty into the court which would be deducted from his prison account, the continued pursuit of a case that has no legal or evidentiary (continued...)

3. If Larkin fails to file an amended complaint within thirty (30) days of the date hereof, the Clerk shall **CLOSE** this case without further order of court.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

1. (...continued)
support is a more significant violation of Rule 11. Furthermore, Rule 11 prohibits a party from filing a pleading if it is filed for any improper purpose such as to harass, to cause unnecessary delay, or to increase needlessly the cost of litigation.